

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In the Matter of the Arbitration Between)
ARGONAUT INSURANCE COMPANY)
Respondent (Plaintiff herein))
vs.)
FIRST STATE INSURANCE COMPANY)
Petitioner (Defendant herein))
_____)

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No.:

05 CV 10184 RCL

MOTION TO IMPOUND

Pursuant to Local Rule 7.2, plaintiff Argonaut Insurance Company ("Argonaut") hereby moves for an order impounding the findings that constitute its Petition to Confirm an award issued in a confidential arbitration proceedings, sealing this proceeding for the following reasons:

1. Argonaut has requested that the Court confirm the award issued in a confidential arbitration proceeding.

2. The parties agreed that the arbitration proceeding, as well as the resulting award, would remain confidential. Their agreement is attached hereto as Exhibit 1.

3. When Argonaut informed counsel for First State of its intent to confirm the award, counsel requested that the proceedings be filed subject to the confidentiality agreement that the parties entered into in the arbitration. Counsel's request is attached hereto as Exhibit 2.

4. The papers being filed by Argonaut in support of its Petition to Confirm Award describe activities that took place during the confidential arbitration proceeding and attach the

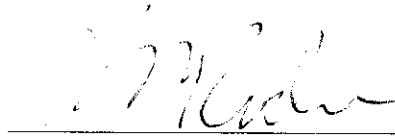
confidential award. After this Court has ruled on this motion, Argonaut will file the following, subject to the Court's ruling:

- a. Motion for an Order Confirming Arbitration Award and Entry of Judgment Thereon;
- b. Memorandum in Support of Petition to Confirm Arbitration Award and Motion for an Order Confirming Arbitration Award and for Entry of Judgment Thereon;
- c. Petition to Confirm Award; and
- d. Declaration of Donald J. Buyck and exhibits thereto.

5. Due to the confidential nature of the arbitration, this proceeding should remain sealed throughout the time period the Court maintains documents thereon.

Respectfully submitted,

ARGONAUT INSURANCE COMPANY



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Argonaut Insurance Company

Of counsel:

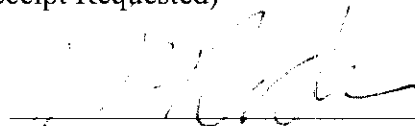
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 2005, a copy of the foregoing Motion to Impound was forwarded, postage pre-paid, via First Class mail, to:

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Mound Cotton Wollan & Greengrass
One Battery Park Plaza
24 Whitehall Street
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Counsel for First State Insurance Company

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Kevin M. Roche
Counsel for Argonaut Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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